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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,416	08/23/2001	David Bruce Kumhyr	AUS920010554US1	9853
46033	7590	12/07/2004	EXAMINER	
IBM CORPORATION (PH) C/O PAUL D. HEYDON, PATENT ATTORNEY 3004 NACOGDOCHES ROAD SAN ANTONIO, TX 78217			CHAI, LONGBIT	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,416

Applicant(s)

KUMHYR, DAVID BRUCE

Examiner

Longbit Chai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08-23-2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. No claim for priority has been made in this application.
2. The effective filing date for the subject matter defined in the pending claims in this application is 8/23/2001.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5, 13, 21 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5, 13, 21 and 29, the phrase "similar to" or "the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "similar to" or "the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 3, 5, 6, 9 – 11, 13, 14, 17 – 19, 21, 22, 25 – 27, 29 and 30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Guski (Patent Number: 5592553), hereinafter referred to as Guski.

As per claim 1, 9, 17 and 25, Guski teaches a method of generating a password, said method comprising:

receiving a preferred word from a user (Guski: see for example, Abstract Line 1 – 13 and Column 3 Line 57 – 60: Guski teaches the non-time-dependent information that ultimately generates the desired password is preferably derived from the information such as a user ID or application ID (Examiner notes “preferably” – could also be something else as user preferred), which is qualified to serve as a simple / preferred word);

translating said preferred word to produce a password; and providing said password to an application (Guski: see for example, Column 11 Line 1 & Table 1 and Column 3 Line 18 – 36: The application is the target application as taught by Guski);

wherein said preferred word is not stored (Guski: see for example, Figure 3 Element 320: The preferred word is transported over to the server at each time of password validation process);

said password is not stored (Guski: see for example, Column 3 Line 18 – 36 & Figure 3: One-time password is time-dependent and is not stored at the user/client side); and

said password complies with said application's required password format (Guski: see for example, Column 9 Line 49 – 50: A legal password should evidently comply with the password format).

As per claim 2, 10, 18 and 26, Guski teaches the claimed invention as described above (see claim 1, 9, 17 and 25 respectively). Guski teaches said translating includes encrypting said preferred word (Guski: see for example, Column 3 Line 57 – 60).

As per claim 3, 5, 11, 13, 19, 21, 27 and 29, Guski teaches the claimed invention as described above (see claim 1, 9, 17 and 25 respectively). Guski teaches said translating includes substituting a character for another character (Guski: see for example, Column 11 Line 1 & Table 1).

As per claim 6, 14, 22 and 30, Guski teaches the claimed invention as described above (see claim 1, 9, 17 and 25 respectively). Guski teaches said translating is accomplished by software running on a first computer; and said target application runs on a second computer (Guski: see for example, Column 7 Line 4 – 7 and Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 7 – 8, 12, 15 – 16, 20, 23 – 24, 28 and 31 – 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guski (Patent Number: 5592553), hereinafter referred to as Guski, in view of Audebert (Patent Number: 5887065), hereinafter referred to as Audebert.

As per claim 7, 15, 23 and 31, Guski teaches the claimed invention as described above (see claim 1, 9, 17 and 25 respectively). Guski does not disclose expressly said translating is accomplished at least in part by a smart card.

Audebert teaches said translating is accomplished at least in part by a smart card (Audebert: see for example, Figure 9 and Column 17 Line 13 – 19).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Audebert within the system of Guski because (a) Kuski teaches a password generating / translating method that can be used between two computers and (b) Audebert teaches a method that a smart card can take a part in generating the password to simplify the software implementation on the PC (Audebert: see for example, Column 17 Line 13 – 19).

As per claim 4, 12, 20 and 28, Guski teaches the claimed invention as described above (see claim 1, 9, 17 and 25 respectively). Guski does not disclose expressly said translating includes inserting at least one special character.

Audebert teaches said translating includes inserting at least one special character (Audebert: see for example, Abstract Line 13 – 14: Audebert teaches adding the digits to the generated password). See the same rationale of combination applied herein as above in rejecting claim 7.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify adding the digits to the generated password to accommodate adding the special characters to the generated password because password format rule that requires special characters is well-known in the art (Audebert: see for example, Abstract Line 13 – 14).

As per claim 8, 16, 24 and 32, Guski teaches the claimed invention as described above (see claim 1, 9, 17 and 25 respectively). Guski does not disclose expressly said

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translating is accomplished by software running on the same computer as said target application.

Audebert teaches said translating is accomplished by software running on the same computer as said target application Audebert: see for example, Abstract, the Last Sentence). See the same rationale of combination applied herein as above in rejecting claim 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 703-305-0710. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai
Examiner
Art Unit 2131

LBC

E. Chai
EXAMINER
PRINCIPAL EXAMINER
Art Unit 2131